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A PROFESSIONAL CORPORATION

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July 3, 2024

E-filed via ECF

Hon. Mary Kay Vyskocil
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

**Re: 46 East 65th Street LLC v. Federal Deposit Insurance Corporation As Receiver
for Republic First Bank d/b/a Republic Bank et al.**
Civil Action No.: 1:24-cv-04151 - MKV

Dear Judge Vyskocil:

This office represents Plaintiff 46 East 65th Street LLC in the above referenced action. Plaintiff respectfully requests an opportunity to oppose the motion of defendant Federal Deposit Insurance Corporation (“FDIC Receiver”) As Receiver for Republic First Bank d/b/a Republic Bank (“Republic”), only to the extent that Plaintiff opposes the stay of all proceedings in addition to the ninety (90) day mandatory stay pursuant to 12 U.S.C. § 1821(d)(12)(B).

The FDIC Receiver moved to stay all judicial proceedings on June 18, 2024 and the Order granting the stay was entered on June 21, 2024, before Plaintiff had an opportunity to file opposition. Granting a stay pending the conclusion of the administrative claims process set forth in the Financial Institutions Reform, Recovery and Enforcement Act, as codified at 12 U.S.C. § 1821(d)¹, will prejudice Plaintiff in that Plaintiff cannot prosecute its claims against the other parties in the action, Partner Assessment Corp. d/b/a Partner Engineering & Science, Inc. (“Partner”), and AB Plus R Construction Inc. d/b/a AB+R (“AB+R”), which have already been delayed due to extensive motion practice involving Republic in the action previously pending in the Supreme Court of the State of New York, New York County. At a minimum, Plaintiff requests the opportunity to engage in paper discovery with Partner and AB+R following the mandatory 90 day stay so as to not delay the action further while the administrative claims process is being completed.

Based on the foregoing, Plaintiff respectfully requests permission to oppose the motion granting a stay in excess of the mandatory 90 day time period.

¹ Plaintiff filed the Proof of Claim on July 2, 2024.

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Respectfully submitted,




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Denied. SO ORDERED.

Date: 7/11/2024
New York, New York


Mary Kay Vyskocil
United States District Judge